

### DISCUSSION OF THE AMENDMENTS

The claims have been amended for clarity. Support can be found in the original claims and in the specification:

- Claims 41 & 42: original Claim 1;
- Claim 43: original Claim 2;
- Claim 44: original Claim 3;
- Claims 45-53: original Claim 4;
- Claims 54-59: original Claim 5;
- Claims 60-66: original Claim 6;
- Claims 67-69: original Claims 20-21;
- Claims 70-71: original Claim 7;
- Claims 72-73: original Claims 8-9, respectively;
- Claims 74-82: original Claim 10;
- Claims 83-88: original Claim 11;
- Claims 89-95: original Claim 12;
- Claims 96-99: original Claims 22-24;
- Claims 100-105: original Claims 25-28;
- Claim 106: original Claim 32; and
- Claim 107: original Claims 33-40.

No new matter has been added.

REMARKS/ARGUMENTS

Applicants' representatives respectfully submit that the Office communication mailed June 3, 2009 was improper. Applicants note that, *inter alia*, (1) the status of the claims was never identified by the Examiner; (2) the status of the Application Papers was not identified by the Examiner; (3) no acknowledgment of the claim to priority was given by the Examiner; and (4) no discussion of the merits of the claims was rendered by the Examiner. Moreover, unless otherwise indicated, Applicants have six months by statute to respond to requirements by the Office. The Examiner is requiring a response within one-month of the mailing of the Office communication mailed June 3, 2009, and no extensions of time were indicated as being available. Thus, the Examiner established a non-statutory period for replay.

In short, Applicants' representatives note MPEP § 707:

Under the current first action procedure, the examiner signifies on the Office Action Summary Form PTOL-326 certain information including the period set for reply, any attachments, and a "Summary of Action," which is the position taken on all the claims.

None of the features identified in the above quote were identified or acknowledged by the Examiner.

Applicants' representatives have submitted this response out of courtesy to the Examiner. An action on the merits is requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Benjamin A. Vastine, Ph.D.  
Registration No. 64,422

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)